

Appl. No. : 10/693,815  
Filed : October 24, 2003

### REMARKS

In the Office communication of May 1, 2006, the Examiner identified the following inventions, considered patentably distinct:

- I. Claims 1-16, drawn to a method of stabilizing adjacent vertebrae, classified in class 606, subclass 61.
- II. Claims 17-38, drawn to a method of treating adjacent vertebrae, classified in class 606, subclass 86.
- III. Claim 39, drawn to a system, classified in class 606, subclass 80.

The Examiner required restriction under 35 U.S.C. § 121 to one of these inventions.

Applicant elects to prosecute the claims directed to Invention II, Claims 17-38, in the present application. This election is made without traverse. Applicant reserves the right to pursue claims to the nonelected Inventions I and III in one or more divisional applications. Accordingly, the claims to the non-elected inventions, Claims 1-16 and 39, are withdrawn from prosecution in the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 30, 2006

By: 

Andrew M. Douglas  
Registration No. 51,212  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

2725065 // 063006